

HOUSE BILL 1634
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 3,
Chapter 6, Part 1, relative to lobbying.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-6-114(b), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) A gift given by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the candidate or official. In determining the nature of any such gift, the following considerations shall be examined:

(A) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks:

(i) To deduct the value of such gift as a business expense on the individual's federal income tax return; or

(ii) Direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer or an employee of a client or employer.

(B) In determining if the giving of a gift is motivated by a close personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals;

(ii) Whether the gift was purchased by the individual who gave the item; and

(iii) Whether the individual who gave the gift also gave the same or similar gifts to other candidates, officials, or their immediate family at the same time;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.